



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 27 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Christopher Kitts
General Manager
Huron Lime, Inc.
P.O. Box 451
Huron, Ohio 44839

Dear Mr. Kitts:

Enclosed is a file-stamped Consent Agreement and Final Order and Administrative Consent Order (CAFO/ACO) which resolves *Huron Lime, Inc.* As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on August 27, 2013. Also enclosed is the Administrative Order on Consent (ACO), number EPA-5-13-113(a)-OH-03

Pursuant to paragraph 31 of the CAFO/ACO, Huron Lime, Inc. must pay the civil penalty within 30 days of September 26, 2013. Your check must display the case name Huron Lime, Inc. and the docket number CAA-05-2013-0038.

Please direct any questions regarding this case to Kathleen Schnieders at (312) 353-8912.

Sincerely,

Sarah G. Marshall
Section Chief
WI/MI Section
Air Enforcement and Compliance Assurance Branch

Enclosure

cc: Regional Judicial Officer/C-14J
Regional Hearing Clerk/E-19J
Kathleen Schnieders/C-14J
Mohammad Smidi/Ohio Environmental Protection Agency
Francis X. Lyons/Bryan Cave LLP

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:	)	Docket No.	CAA-05-2013-0038
)		
Huron Lime	)	EPA-5-13-113(a)-OH-03	
Huron, Ohio,)		
Respondent.	)	Proceeding to Assess a Civil Penalty	
	)	Under Section 113(d) of the Clean Air Act,	
	)	42 U.S.C. § 7413(d) and to enter into an	
	)	Administrative Order on Consent Under	
	)	Sections 113(a)(3) and 114(a)(1) of the	
	)	Clean Air Act, 42 U.S.C. §§ 7413(a)(3) and	
	)	7414(a)(1)	

Consent Agreement and Final Order and
Administrative Consent Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(d), and Sections 22.1(a)(2), 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at 40 C.F.R. Part 22. Where designated, this is an Administrative Order on Consent, agreed by both parties, and issued under Sections 113(a)(3) and 114(a)(1) of the CAA, 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).
2. Complainant is the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is Huron Lime, Inc. (Huron Lime), a corporation doing business in Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a Consent Agreement and Final Order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

Statutory and Regulatory Background

9. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

10. 40 C.F.R. § 70.1(b) provides that all sources subject to the Part 70 regulations shall have a permit to operate that assures compliance by the source with all applicable requirements.

11. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator

finds that any person has violated or is in violation of a requirement or prohibition of Title V of the CAA, or any rule promulgated, issued or approved under Title V of the CAA.

12. EPA fully approved the Ohio Title V program, effective October 1, 1995. 60 Fed. Reg. 42045 (August 15, 1995). Ohio's Title V permit requirements are codified at OAC 3745-77.

13. The Ohio Environmental Protection Agency (OEPA) issued Huron Lime Title V Permit Number P0086935 (Title V permit) on September 30, 2008. The Title V permit expires on October 21, 2013.

14. The Title V permit lists applicable emissions and production limitations under Condition Number 4(b)(1) for Kiln 2.

15. Condition number 4(b)(1)(a) cites OAC rule 3745-31-05(c), Permit to Install #03-17221 issued on September 4, 2007, and lists the following two specific limits for Kiln 2: 0.051 pounds hydrogen chloride (HCl) per ton of lime produced; and 2.48 tons HCl per rolling 12-month period.

16. Condition number 4(c)(2) cites OAC rule 3745-77-07(A)(1), Permit to Install #03-17221 issued on September 4, 2007, and limits Kiln 2 production to 97,236 tons of lime produced during 12 calendar months of operation.

17. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000 for violations that occurred after January 12, 2009 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

18. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United

States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

19. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

20. Huron Lime owns and operates a lime manufacturing facility located at 100 Meeker Street, Huron, Ohio (the facility).

21. The facility consists of three rotary kilns that vent to two stacks. Kiln 1 and Kiln 2 vent to Stack #1, and Kiln 3 vents to Stack #2.

22. The kilns are each an "emission unit," as that term is defined at Section 40 C.F.R. § 63.7143. "Lime kiln" means the device, including associated preheater, used to produce a lime product from stone feed by calcination. Kiln types include, but are not limited to, rotary kilns, vertical kilns, rotary hearth kilns, double-shaft vertical kilns, and fluidized bed kilns.

23. In September of 2010, EPA issued a Section 114 Information Request requiring Huron Lime to conduct HCl testing on the facility's three kilns. Testing at each of the kilns was conducted on the following dates:

- a. Kiln 1 was tested on May 4, 2011;
- b. Kiln 2 was tested on March 29-30, 2011; and
- c. Kiln 3 was tested on March 29-30, 2011.

24. Huron Lime used Extractive Fourier Transform Infrared (FTIR) spectrometry following EPA Reference Method 321, along with procedures discussed in EPA Reference Method 320 and ASTM Method 6348-10 to quantify HCl at the facility's three kilns.

25. Huron Lime provided the results of the HCl testing in a response dated June 6, 2011. Test results for all kilns are as follows in Table 1:

Table 1: HCl Emission Results Testing At Huron Lime

Kiln	Compound	Concentration (ppmv wet)	Stack Flowrate SCFM (wet)	Emission Rate (lb/hr)	Lime Production (ton/hr)	Emissions (tons/yr) based off permitted lime production rate	Emissions (lb/ton of lime)	Permitted Limit (lb/ton of lime)
1	HCl	2.70	43,276	0.66	14.4	2.09	0.046	0.057
2	HCl	3.22	56,268	1.03	14.65	3.42	0.070	0.051
3	HCl	6.20	35,188	1.24	14.8	3.80	0.084	0.093

26. As shown in Table 1 above, on March 29, 2011, Huron Lime's Kiln 2 tested at 0.070 pounds of HCl per ton of lime produced, which exceeds the facility's 0.051 pounds HCl per ton of lime produced limit.

27. Huron Lime submitted a permit modification and on November 4, 2011, OEPA issued a new Title V Permit, Number P0108313 (2011 Title V Permit), with revised emission and production limits for Kiln 2. Huron Lime's new permitted limit for Kiln 2 requires a limit of 0.072 pounds of HCl per ton of lime produced and a 12-month rolling average of 90,120 tons of lime produced.

28. EPA issued a Notice of Violation (NOV) to Huron Lime on December 22, 2011, alleging that its average on Kiln 2 during the test of 0.07 pounds of HCl per ton of lime produced had violated its permitted limit of 0.051 pounds of HCl per ton of lime produced.

29. On January 19, 2012, Huron Lime and EPA met at a Section 113 conference to discuss the violations alleged in the NOV. At that meeting, Huron Lime provided copies of the permit revisions.

Civil Penalty

30. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, facility cooperation, prompt return to compliance, agreement to perform a supplemental environmental project, and agreement to perform mitigation projects, Complainant has determined that an appropriate civil penalty to settle this action is \$18,585.

31. Within 30 days after the effective date of this CAFO, Respondent must pay a \$18,585 civil penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America,"

By regular U.S. Postal Service mail to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

Or by express Mail to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must note Respondent's name, docket number of this CAFO and the billing document number.

32. Respondent must send a notice of payment that states Respondent's name, the docket number of this CAFO and the billing document number to EPA at the following addresses when it pays the penalty:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Kathleen Schnieders (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

33. This civil penalty is not deductible for federal tax purposes.

34. If Respondent does not pay timely the civil penalty or any stipulated penalties due under paragraph 48, below, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

35. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This

nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

Supplemental Environment Project

36. Respondent must complete a supplemental environmental project (SEP) designed to protect the public health by purchasing and operating a street sweeper to reduce fugitive emissions by August 30, 2013.

37. At its Huron, Ohio facility, Respondent must complete the SEP as follows.

- a. Huron Lime must purchase a street sweeper/vacuum ("equipment").
- b. Huron Lime must commit to operating the equipment on a daily basis, weather permitting, except during maintenance activities, or when operational or malfunction issues arise.
- c. Huron must operate the equipment on the paved area of the facility, as well as offsite into the community on the road that serves as the truck route into the facility.
- d. Huron must commit to this program indefinitely, so long as the equipment is operable under its useful life, assuming normal appropriate operator maintenance.

38. Respondent must spend at least \$38,500 to purchase the equipment and a total of \$8,100 to operate the equipment for at least 5 years.

39. Respondent must continuously use or operate the equipment installed as the SEP for 5 year(s) following its installation, except during maintenance activities, or when operational or malfunction issues arise. However, in the event that the equipment is no longer operational after a period of less than 5 years, in spite of normal appropriate operator maintenance activities, Huron may terminate the program, upon notice of same to EPA. Neither EPA nor Huron contemplate that satisfactory performance of this SEP requires replacement of the equipment, in

the event that the equipment comes to the end of its useful life, prior to 5 years, subject to the provisions of Paragraph 48, below.

40. Respondent certifies as follows:

I certify that Huron Lime, Inc. (Huron Lime) is not required to perform or develop the SEP by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that Huron Lime has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that Huron Lime is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that, to the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

41. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

42. Respondent must submit a SEP completion report to EPA by September 9, 2013.

This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized cost of goods and services used to complete the SEP documented by copies of invoices, purchase orders or cancelled checks that specifically identify and itemize the individual cost of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and

- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

43. Respondent must submit all notices and reports required by this CAFO by first-class mail to the Compliance Tracker of the Air Enforcement and Compliance Assurance Branch at the address provided in paragraph 32, above.

44. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

45. Following receipt of the SEP completion report and mitigation projects completion report described in paragraphs 42 and 60, EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. It has satisfactorily completed the mitigation projects and mitigation projects completion report;
- c. There are deficiencies in the SEP as completed or in the SEP report and EPA will give Respondent 30 days to correct the deficiencies;
- d. There are deficiencies in the mitigation projects as completed or in the mitigation projects report and EPA will give Respondent 30 days to correct the deficiencies;
- e. It has not satisfactorily completed the SEP or the SEP report and EPA will seek stipulated penalties under paragraph 48; or
- f. It has not satisfactorily completed the mitigation projects or the mitigation projects report and EPA will seek stipulated penalties under paragraph 48.

46. If EPA exercises options c-f above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from

EPA's receipt of Respondent's objection to reach an agreement, unless otherwise agreed to by both parties. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirement that EPA imposes in its decision.

47. If Respondent does not complete the SEP and/or the mitigation projects as required by EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 48, below.

48. If Respondent violates any requirement of this CAFO relating to the SEP or the mitigation projects, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP and/or the mitigation projects satisfactorily according to the requirements of this CAFO, including the schedule in paragraph 36, as well as Exhibit A, Respondent must pay the following penalties:
 - i. Failure to complete the SEP: Penalty of \$55,755.
 - ii. Failure to complete the mitigation projects: Penalty of \$680,000.
- b. If Respondent did not complete the SEP but EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 38, Respondent will not be liable for any stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP but spent less than 90 percent of the amount set forth in paragraph 38, Respondent must pay a penalty of \$11,150.
- d. If Respondent did not submit timely the SEP completion report, the mitigation projects' completion report, or any other report required by Exhibit A, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$50	1 st through 14 th day
\$100	15 th through 30 th day
\$200	31 st day and beyond

49. EPA's determinations of whether Respondent completed the SEP and/or mitigation projects satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP and/or mitigation projects will bind Respondent.

50. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 31, above, and will pay interest and nonpayment penalties on any overdue amounts.

51. Any public statement that Respondent makes referring to the SEP must include the following language: "Huron Lime, Inc. undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Huron Lime, Inc. for violations of the Ohio State Implementation Plan and the Clean Air Act."

52. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

Administrative Consent Order for Mitigation Projects

53. Paragraphs 53 through 60, along with the relevant portions of paragraphs 44 through 52, constitute an Administrative Order on Consent (ACO) entered into by the parties, issued under Sections 113(a)(3) and 114(a)(1) of the CAA, 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

54. Respondent must complete mitigation projects designed to protect the environment and public health by installing a prefoil unit to Kiln 2 to reduce the amount of coal needed and reduce HCl and sulfur dioxide (SO₂) emissions. Respondent estimates in good faith

that these uncontrolled emissions will be reduced by approximately 3.41 tons and 25.74 tons per year, respectively. Additionally, Huron Lime will install a quench system on Kiln 3.

Respondent estimates in good faith that this will result in reductions of approximately 0.57 tons of HCl and 4.95 tons SO₂ annually. Respondent must complete the mitigation projects as detailed in Exhibit A.

55. While the relevant kiln is operating, Respondent must continuously use or operate the equipment installed as the mitigation project for at least 5 year(s) following its installation, except during maintenance activities, or when operational or malfunction issues arise.

56. Respondent certifies as follows:

I certify that Huron Lime, Inc. (Huron Lime) is not required to perform or develop the mitigation projects by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that Huron Lime has not received, and is not negotiating to receive, credit for the mitigation projects in any other enforcement action.

I certify that Huron Lime is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the mitigation projects. I further certify that, to the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the mitigation projects, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

57. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's mitigation projects' requirements.

58. Respondent must submit the quarterly status update reports to EPA. Contents of the status update reports are detailed in Exhibit A.

59. Respondent must conduct performance testing on Kiln 2 and Kiln 3 as detailed in Exhibit A.

60. Respondent must submit a mitigation projects completion report to EPA by December 31, 2015. This report must contain the following information:

- a. Detailed description of the mitigation projects as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized cost of goods and services used to complete the mitigation projects documented by copies of invoices, purchase orders or cancelled checks that specifically identify and itemize the individual cost of the goods and services;
- d. Certification that Respondent has completed the mitigation projects in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the mitigation projects (quantify the benefits and pollution reductions, if feasible).

General Provisions

61. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

62. Neither this CAFO nor Administrative Order on Consent affects the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any other violation of law.

63. Neither this CAFO nor the Administrative Order on Consent affects Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except to the extent delineated in paragraph 61, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

64. Respondent certifies that it is complying fully with the CAA and the Ohio SIP.

65. This CAFO constitutes an “enforcement response” as that term is used in EPA’s Clean Air Act Stationary Civil Penalty Policy to determine Respondent’s “full compliance history” under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

66. The terms of this CAFO and Administrative Order on Consent bind Respondent, its successors and assigns.

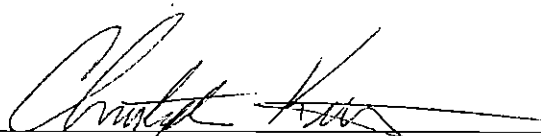
67. Each person signing this CAFO and Administrative Order on Consent certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

68. Each party agrees to bear its own costs and attorneys’ fees in this action.

69. This CAFO and Administrative Order on Consent constitute the entire agreement between the parties.

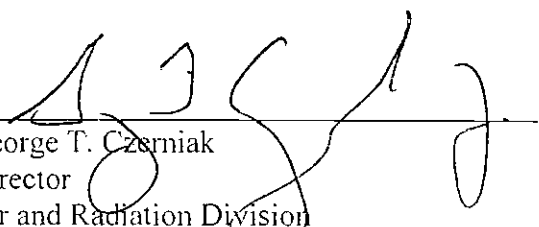
Huron Lime, Inc., Respondent

8/14/2013
Date


Christopher Kitts, General Manager
Huron Lime, Inc.

United States Environmental Protection Agency, Complainant

8/22/13
Date

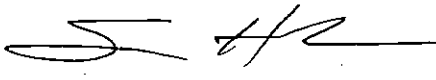

George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Huron Lime, Inc.
Docket No. CAA-05-2013-0038

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

8/23/13
Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

Exhibit A

Huron Lime, Inc. (Huron Lime) must complete the mitigation projects as detailed below.

Quench

Huron Lime must replace the existing inlet ductwork to the venturi scrubber with a quench system on Kiln 3.

The goal of the quench system is to saturate the airstream prior to reaching the venturi scrubber to provide additional scrubbing.

Huron Lime must submit quarterly status reports to EPA including the following:

- Detailed, current construction and operation timeline; and
- List of any issues encountered during procurement, installation or initial operation and all corresponding corrective actions.

Prefoil

Huron Lime must remove existing refractory from Kiln 2 and install a prefoil system.

The goal of the prefoil system is to segregate the stone in the kiln and allow heat to be retained more effectively. This will allow Huron Lime to use less coal by reducing the hourly coal feed rate.

Huron Lime must submit quarterly status reports to EPA including the following:

- Detailed, current construction and operation timeline; and
- List of any issues encountered during procurement, installation or initial operation and all corresponding corrective actions.

Schedule

Huron will install both the quench system and the prefoil system within one year of the effective date of this Consent Agreement and Final Order.

Performance Testing

Huron Lime must conduct performance testing on Kiln 2 and Kiln 3 within two years of the effective date of this Consent Agreement and Final Order.

Huron Lime must submit a copy of the performance test protocol for both Kiln 2 and Kiln 3 to EPA 30 days prior to testing.

Huron Lime must submit a copy of the performance test results for both Kiln 2 and Kiln 3 within 30 days of testing.

**Consent Agreement and Final Order
In the Matter of: Huron Lime, Inc.
Docket No.**

CAA-05-2013-0038

Certificate of Service

I certify that I filed the original and one copy of the Consent Agreement and Final Order (CAFO), docket number CAA-05-2013-0038, with the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604, and that I mailed the second original copy to Respondent by first-class, postage prepaid, certified mail, return receipt requested, by placing it in the custody of the United States Postal Service addressed listed below. I also certify that I sent a signed copy of the Administrative Order on Consent (ACO) number EPA-5-13-113(a)-OH-03 to the address listed below.

Christopher Kitts
General Manager
Huron Lime, Inc.
P.O. Box 451
Huron, Ohio 44839

I certify that I delivered a correct copy of the CAFO and ACO by intra-office mail, addressed as follows:

Regional Judicial Officer (C-14J)
U.S. Environmental Protection Agency
77 W. Jackson Boulevard
Chicago, Illinois 60604

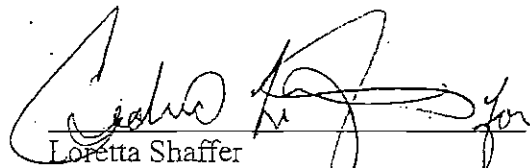
I also certify that I mailed a correct copy of the CAFO and ACO by first-class mail to:

Mohammad Smidi
Northwest District Office
Ohio Environmental Protection Agency
347 North Dunbridge Road
Bowling Green, Ohio 43402

Francis X. Lyons
Bryan Cave LLP
161 North Clark Street
Suite 4300
Chicago, Illinois 60601

RECEIVED
REGIONAL HEARING CLERK
SEP 19 2013 11:17

On the 27th day of August 2013.



Loretta Shaffer
Administrative Program Assistant
PAS, AECAB

CERTIFIED MAIL RECEIPT NUMBER:

7009 1630 0000 7676 1109